

11/22/2016

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. November 22, 2016, pursuant to adjournment on November 15, 2016. Commissioners present were: Beninga, Heiberger, and Kelly. Commissioners Barth and Bender were present via phone conference call. Also present were Olivia Larson, Commission Recorder, and Kersten Kappmeyer, Chief Civil Deputy State's Attorney.

MOTION by Beninga, seconded by Kelly, to approve the agenda with a two week deferral on item #13. 5 ayes.

#### MINUTES APPROVAL

MOTION by Kelly, seconded by Beninga, to approve the November 15, 2016 Canvassing Board Minutes. 5 ayes.

MOTION by Kelly, seconded by Beninga, to approve the November 14, 2016, Commission Minutes and to amend the November 1, 2016, Commission Minutes to reflect the effective date of the Amended Agreement for Mobile Crisis Team Services from January 1, 2017, to December 31, 2017 to an effective date of January 1, 2016, to December 31, 2016. 5 ayes.

#### VOUCHERS TO BE PAID

MOTION by Barth, seconded by Beninga, to approve the following bills totaling \$593,750.47, and 2016 General Election Day expenses of \$73,094.85. 5 ayes.

|                      |               |           |                      |                |           |
|----------------------|---------------|-----------|----------------------|----------------|-----------|
| A & B Business Equip | Lease-Rental  | 118.86    | A To Z World Languag | Interpreters   | 2,535.00  |
| A-1 Septic           | Bldg/Yard Rep | 242.50    | Airgas Inc           | Bridge Repair  | 404.12    |
| Airgas Inc           | Lease-Rental  | 40.30     | Airway Service Inc   | Gas,Oil,Dieese | 43.91     |
| Allied Oil & Tire Co | Truck Repair  | 1,436.68  | Anderson Publication | Publishing El  | 1,739.08  |
| Anderson Publication | Publishing Fe | 981.04    | Apland, Daniel DbA A | Welfare Rent   | 500.00    |
| Arrow Ridge Townhome | Welfare Rent  | 831.00    | Avera Mckennan Hospi | Hospitals      | 757.50    |
| Blue Haven Barn & Ga | Other Miscell | 100.00    | Boyce Law Firm, Llp  | Child Defense  | 276.00    |
| Boyer Trucks Sioux F | Parts Invento | 62.37     | Boyer Trucks Sioux F | Truck Repair   | 1,930.50  |
| Brennan Hill Townhou | Welfare Rent  | 500.00    | Brevik Law Office Pr | Attorney Fees  | 212.03    |
| Bristow, Boyd        | Program Activ | 300.00    | Brown & Saenger      | Office Suppli  | 84.33     |
| Butler Machinery Com | Automotive/Sm | 182.32    | Butler Machinery Com | Truck Repair   | 141.62    |
| C & R Supply Inc     | Truck Repair  | 5.76      | Campbell Supply Co I | Bridge Repair  | 73.39     |
| Campbell Supply Co I | Sign Supply/I | 22.63     | Campbell Supply Co I | Truck Repair   | 53.88     |
| Cars Trucks N More R | Automotive/Sm | 1,216.45  | Cartridge World      | Data Processi  | 1,166.08  |
| CBM Managed Services | Inmate Suppli | 1,448.52  | Century Business Pro | Lease-Rental   | 636.37    |
| Century Business Pro | Maintenance C | 414.53    | Century Business Pro | Office Suppli  | 591.68    |
| Centurylink (Qwest)  | Telephone     | 118.13    | Change Healthcare So | Data Processi  | 49.00     |
| Charm-Tex Inc        | Inmate Suppli | 41.28     | Chasing Willows Ltd  | Welfare Rent   | 500.00    |
| Christopherson, Ande | Attorney Fees | 4,289.09  | Colton Lumber Co Inc | Park/Recreati  | 600.00    |
| Concrete Materials   | Bldg/Yard Rep | -70.05    | Concrete Materials   | Bridge Repair  | 1,718.58  |
| Construction Product | Road Maint    | 87.70     | Contech Engineered S | Bridge Repair  | 38,490.80 |
| Counseling Resources | Attorney Fees | 900.00    | Country Meadows Apts | Welfare Rent   | 700.00    |
| Culligan Water Condi | Data Processi | 35.00     | Culligan Water Condi | Other Miscell  | 38.50     |
| Czlogix, Inc         | Road Maint    | 24,578.00 | Dakota Alignment & F | Truck Repair   | 216.24    |
| Dakota Fluid Power,  | Automotive/Sm | 86.82     | Dakota Fluid Power,  | Truck Repair   | 11.97     |
| Dakota Lettering Etc | Advertising   | 700.00    | Dakota Riggers & Too | Small Tools    | 21.14     |
| Dakota Splash        | Water - Sewer | 48.65     | Daybreak/T & H Conve | Gas,Oil,Dieese | 80.50     |
| Denherder Law Office | Attorney Fees | 125.28    | Devlin, Ben          | Program Activ  | 84.00     |
| Donovan, William     | Business Trav | 73.08     | Dougherty, Rose DbA  | Welfare Rent   | 220.00    |
| Dover, Sena S        | Bd Evaluation | 2,340.00  | Duffy, Ryan          | Attorney Fees  | 2,060.60  |
| Dust Tex Service Inc | Janitorial/Ch | 22.56     | Eastern Farmers Coop | Road Maint     | 60.00     |
| EH Hospitality Llc   | Motels        | 500.00    | Eiesland, Gail       | Hwy Safety Gr  | 677.88    |
| Election Systems & S | Other Repairs | 11.75     | Etterman Enterprises | Small Tools    | 33.13     |
| Fastenal Company     | Road Maint    | 145.55    | Fastenal Company     | Small Tools    | 106.82    |
| Finnegan, Daniel     | Uniform Allow | 124.00    | First Premier Bank   | Investigators  | 69.23     |
| Fleetpride / Holt, I | Parts Invento | 102.20    | Frisbee, Inc.        | Building Repa  | 247.61    |
| Fuller & Williamson, | Attorney Fees | 639.00    | Galtell Properties L | Welfare Rent   | 415.00    |
| Gansz, Kevin         | Program Activ | 410.20    | Gaylord Bros Inc     | Program Activ  | 426.74    |
| George Boom Funeral  | Burials       | 1,000.00  | Goering, James       | Education & T  | 35.00     |

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|                        |               |            |                        |               |           |
|------------------------|---------------|------------|------------------------|---------------|-----------|
| Goetzinger, Chris      | Welfare Rent  | 600.00     | Golden West            | Telephone     | 39.08     |
| Gourley Properties I   | Welfare Rent  | 500.00     | Great Plains Psychol   | Psych Evals   | 850.00    |
| Gunner, Andrea         | Court Reporte | 642.60     | Guzman, Sandra V.      | Interpreters  | 175.00    |
| Hammer, Ralph          | Business Trav | 267.01     | Hammer, Ralph          | Education & T | 85.00     |
| Harmon, Karla          | Bd Evaluation | 990.00     | Hartford Farmers Ele   | Road Maint    | 16.00     |
| HDR Engineering Inc    | Architects    | 5,259.09   | Heinemann, Craig T     | Building Repa | 9,600.00  |
| Heinemann, Craig T     | Museum Renova | 6,200.00   | High Plains Technolo   | Maintenance C | 7,148.58  |
| High Point Networks    | Data Processi | 11,903.54  | Highway Improvement    | Road Maint    | 18,900.00 |
| HMN Hardware Inc       | Road Maint    | 104.94     | Hoekstra, Denise A.    | Court Reporte | 41.80     |
| Hohn, Rodney L         | Uniform Allow | 135.00     | Horizon Agency Inc     | Expenditures  | 2,418.00  |
| Hoskins, William J     | Program Activ | 75.18      | HOV Services Inc       | Microfilming  | 326.50    |
| Hy-Vee Accounts Rece   | Other Miscell | 175.00     | Hy-Vee Accounts Rece   | Pharmacies    | 33.99     |
| I State Truck Center   | Parts Invento | 79.94      | I State Truck Center   | Truck Repair  | 7.15      |
| Ideal Yardware         | Road Maint    | 79.98      | Inland Truck Parts &   | Parts Invento | 852.45    |
| Interstate All Batte   | Small Tools   | 98.50      | Interstate Office Pr   | Office Suppli | 662.47    |
| JCL Solutions-Janito   | Kitchen/Clean | 4,385.39   | JD Llc                 | Welfare Rent  | 325.00    |
| Jensen, Amy            | Other Misc R  | 300.00     | JLG Architects         | Fairgrounds   | 1,132.19  |
| Johnson, Katie Pllc    | Attorney Fees | 45.00      | Johnson, Richard L     | Attorney Fees | 1,108.60  |
| Johnson, Richard L     | Child Defense | 199.64     | Jonas, Darrell         | Uniform Allow | 399.96    |
| JSA Consult Engineer   | Architects    | 19,901.00  | Kahn, Daryl            | Uniform Allow | 199.99    |
| Kauffman, David W. P   | Psych Evals   | 3,288.50   | Kone, Inc.             | Other Profess | 59.13     |
| Konechne, Francis      | Business Trav | 31.00      | Kruse, Renae S         | Attorney Fees | 1,219.00  |
| Lacey Rentals Inc      | Lease-Rental  | 105.00     | Larson, Ashley         | Other Misc. R | 375.00    |
| Larson, Jeff           | Child Defense | 204.40     | Leesch, Carol          | Welfare Rent  | 500.00    |
| Lewis & Clark Bhs      | Bd Evaluation | 1,600.00   | Light And Siren        | Automotive/Sm | 265.00    |
| Light And Siren        | Truck Repair  | 484.00     | Locators & Supplies,   | Engineering S | 39.74     |
| Locators & Supplies,   | Small Tools   | 39.74      | Loving, Philip         | Bd Evaluation | 3,030.00  |
| Luther, Jeff           | Medical Direc | 2,500.00   | Lutheran Social Svcs   | Bd Evaluation | 1,987.50  |
| Lutheran Social Svcs   | Interpreters  | 400.00     | Lutheran Social Svcs   | Other Profess | 1,033.34  |
| Maciejewski, Steven    | Business Trav | 96.00      | Madison Apartments L   | Welfare Rent  | 500.00    |
| Mailway Printers       | Museum Report | 1,271.00   | Mailway Printers       | Publishing Fe | 172.37    |
| Marco Technologies L   | Maintenance C | 75.28      | Martinell, Charles     | Work Mileage  | 201.60    |
| Master Blaster Inc     | Automotive/Sm | 847.55     | Mattson, Monica        | Child Defense | 3,634.20  |
| Menards - East         | Bldg/Yard Rep | 155.76     | Metro Communications   | Attorney Fees | 80.00     |
| Microfilm Imaging Sy   | Contract Serv | 6,145.20   | Microfilm Imaging Sy   | Furniture & O | 265.00    |
| Microfilm Imaging Sy   | Lease-Rental  | 365.00     | MidAmerican Energy C   | Natural Gas   | 184.10    |
| MidContinent Communi   | Telephone     | 55.00      | Midwest Oil Company    | Parts Invento | 319.50    |
| Murray Properties, L   | Welfare Rent  | 500.00     | Neighborhood Mortgag   | Welfare Rent  | 600.00    |
| Newman Signs Inc       | Sign Supply/I | 327.71     | Nguyen, Lam            | Interpreters  | 50.00     |
| North American Truck   | Trucks/Tracto | 36,738.00  | Novak Sanitary Servi   | Trash Removal | 44.36     |
| Nyberg's Ace Hardwar   | Program Activ | 24.99      | Oertel Architects      | Architects    | 8,987.16  |
| O'Reilly/First Call A  | Parts Invento | 62.28      | Peterson, Myles        | Business Trav | 31.00     |
| Pfeifer Implement Co   | Automotive/Sm | 373.63     | Pharmchem Inc          | Testing Suppl | 591.00    |
| Pride Neon, Inc        | Truck Repair  | 72.00      | Qualified Presort Se   | Museum Report | 526.48    |
| Rac Rentals Llc        | Welfare Rent  | 800.00     | RDO Equipment Co.      | Automotive/Sm | 57.62     |
| Redwood Toxicology L   | Program Suppl | 1,080.00   | Redwood Toxicology L   | Testing Suppl | 1,800.00  |
| Sanford Clinic - Fi    | Other Misc R  | 1,913.12   | Sanford Occupational   | Expenditures  | 6,375.00  |
| Schulte, Jason R       | Welfare Rent  | 500.00     | SD Assn Of County Of   | Amounts Held  | 5,770.00  |
| SD Dept Of Public Sa   | Other Miscell | 299.00     | SD Dept Of Revenue     | Automotive/Sm | 10.00     |
| SD Dept Of Revenue     | Blood/Chemica | 700.00     | SD Dept Of Revenue     | Office Suppli | 140.00    |
| SD Dept Of Transport   | Bridge Repair | 1,819.95   | Seachange Printing I   | Publishing El | 350.00    |
| Sechser, Jenna - Crt   | Court Reporte | 54.60      | Security Labs Ltd      | Maintenance C | 325.00    |
| Senior Citizens Svcs   | Advertising   | 54.00      | Servall Towel & Line   | Janitorial/Ch | 2.20      |
| Servall Towel & Line   | Program Activ | 88.36      | SF Leased Hsg Author   | Welfare Rent  | 500.00    |
| SF Ministry Housing    | Welfare Rent  | 690.00     | Sheehan Mack Sales &   | Heavy Eq. Rep | 210.27    |
| Sheehan Mack Sales &   | Truck Repair  | 8.00       | Short Elliott Hendri   | Architects    | 16,059.72 |
| Sioux Falls City Fin   | Bldg/Yard Rep | 139.49     | Sioux Falls City Fin   | Gas,Oil,Diese | 11,077.47 |
| Sioux Falls City Fin   | Hidta Grant   | 116.87     | Sioux Falls Humane S   | Other Miscell | 3,453.44  |
| Sioux Falls Utilitie   | Water - Sewer | 3,265.06   | Sioux Falls Utilitie   | Welfare Utili | 29.64     |
| Sioux Valley Energy    | Welfare Utili | 25.00      | Sisson Printing, Inc   | Other Miscell | 82.10     |
| Skadsen, Nathan        | Business Trav | 69.30      | Southeastern Behavio   | Crisis Interv | 5,788.00  |
| State Steel Of Sd      | Truck Repair  | 399.00     | Stern Oil Co., Inc.    | Parts Invento | 293.15    |
| Strange, Farrell, John | Attorney Fees | 230.00     | Strange, Farrell, John | Child Defense | 4,080.80  |
| Sturdevant's Auto Pa   | Automotive/Sm | 23.45      | Sunshine Foods         | Welfare Food  | 68.07     |
| Swingen Const Co Inc   | Contracted C  | 214,034.40 | Szameit, Alexandra     | Interpreters  | 175.00    |

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|                      |               |          |                      |               |          |
|----------------------|---------------|----------|----------------------|---------------|----------|
| Taylor Place Llc     | Welfare Rent  | 970.00   | The Lodge At Deadwoo | Business Trav | 456.00   |
| Thompson Electric Co | Automotive/Sm | 1,495.00 | Tires,Tires,Tires In | Automotive/Sm | 1,531.90 |
| Tires,Tires,Tires In | Gas,Oil,Diese | 87.80    | Triangle Properties  | Welfare Rent  | 500.00   |
| True North Steel     | Pipe & Culver | 150.08   | Tschetter & Adams La | Child Defense | 853.66   |
| United Parcel Servic | Postage       | 18.46    | V & S Inc            | Scaap Funds   | 1,955.73 |
| V & S Inc            | Uniform Allow | 2,007.64 | Vanveldhuizen, Jill  | Program Activ | 70.00    |
| Variety Foods Llc    | Other Profess | 293.02   | Verizon Wireless     | Data Processi | 1,133.73 |
| Verizon Wireless     | Hidta Grant   | 94.11    | Verizon Wireless     | Safety & Resc | 163.91   |
| Verizon Wireless     | Telephone     | 4,918.28 | Wal-Mart Pharmacy #3 | Pharmacies    | 1,088.73 |
| Weerheim, Tom        | Attorney Fees | 1,269.60 | Wheelco Brake & Supp | Truck Repair  | 71.02    |
| Wilka & Welter Llp   | Attorney Fees | 520.35   | Williamsburg Townhom | Welfare Rent  | 700.00   |
| Woodbury County (IA) | Return Of Ser | 3.43     | Xcel Energy, Inc.    | Electricity   | 7,224.43 |
| Xcel Energy, Inc.    | Road Maint    | 27.04    | Xcel Energy, Inc.    | Welfare Utili | 808.98   |
| Xigent Solutions     | Consultants   | 1,950.00 | Yankton County Sheri | Return Of Ser | 300.00   |
| Zandt, James R       | Welfare Rent  | 500.00   | Zee Medical Service  | Office Suppli | 104.00   |
| Zep Manufacturing Co | Janitorial/Ch | 585.97   |                      |               |          |

REPORT

The August 2016 and November 2016 Human Services Quarterly Client Satisfaction Survey Reports and the Auditor's Account with the County Treasurer as of October 31, 2016, were received and placed on file in the Auditor's Office.

|  |                |
|--|----------------|
| On Deposit in Banks  |                |
| 1 <sup>st</sup> National Bank  | 81,429,947.30  |
| US Bank (Cash with Trustee)  | 7,798,382.20   |
| Total C.D. and Money Market Savings  | 13,000,000.00  |
| Total Actual Cash  | 18,377.43      |
| Total of Checks and Drafts which have been in the Treasurer's possession over 3 days | 9,402.57       |
| <br>   |                |
| Total Cash on Hand   | 102,256,109.50 |
| PR withholding pd in November  | 343.22         |
| Total Reconciled Cash on Hand Balance  | 102,256,452.72 |
| <br>   |                |
| Total AS/400 Cash Balance  | 102,256,452.72 |

PERSONNEL

MOTION by Beninga, seconded by Kelly, to approve the following personnel changes. 5 ayes.

1. To accept the retirement of Christopher Janos as Deputy Sheriff for the Sheriff's Office effective 11/13/16.
2. To hire Ronald Figg Jr., Adam Eschen, Clint Wisneski, Jason Davis, and Jason Purkapile as Correctional Officers in Training at \$17.03/hour effective 11/28/16.
3. To hire Maria Nevarez Maturin as Corrections System Operator (9/3) for the Jail at \$14.69/hour effective 11/28/16.
4. To accept the retirement of Christine Slaight as Corrections System Operator for the Jail effective 11/17/16.
5. To hire Adam Yagaloff as Deputy Public Defender (21/7) for the Public Defender's Office at \$2,345.60/bi-weekly effective 11/28/16.

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Step Increases

1. Angela Runnels-Murphy – Senior Deputy Public Defender – Public Defender’s Office – 22/10 – 11/3/16 - \$2,788.80/bi-weekly
2. Molly Engquist – Curator of Exhibits – Museum – 19/9 – 11/29/16 - \$2,232.80/bi-weekly
3. Grant Edgecomb – Custodian – Museum – 6/10 – 11/30/16 - \$15.06/hour
4. Leanne Harries – Paralegal - State’s Attorney’s Office – 16/14 – 10/16/16 - \$27.23/hour
5. Rebecca Carpenter – Legal Office Assistant - State’s Attorney’s Office – 10/14 – 10/25/16 - \$20.25/hour
6. Mark Joyce – Senior Deputy State’s Attorney - State’s Attorney’s Office – 22/7 – 10/31/16 - \$2,589.60/bi-weekly
7. Ferlin Vander Poel – Groundskeeper - Facilities – 9/8 – 10/23/16 - \$16.62/hour
8. Deborah Dose – Senior Accounting Technician – Auditor – 12/16 – 10/31/16 - \$23.48/hour

Special Personnel Action

MOTION by Kelly, seconded by Beninga, to approve immediate hiring for the Victim Witness Assistant position approved for 2017. 5 ayes.

LIEN COMPROMISE

Robert Wilson, Assistant Commission Administrative Officer, gave a briefing on an application for a compromise of lien for DPNO 47048 in the amount of \$582.90 and DPNO 21743 in the amount of \$2,250. Court Appointed Attorney fees for two Involuntary Commitments were provided to the applicant and her ex-husband between January 2002 and July 2016. The applicant was the petitioner for both involuntary commitments, one for her ex-husband at \$274.70 and one for her son at \$308.20. Services were recorded on July 13, 2016 representing Burial/Funeral expenses for the applicant’s ex-husband who passed away on June 1, 2016. The applicant and her ex-husband finalized their divorce on February 4, 1998. The applicant is requesting a compromise and release of the lien in full. A copy of the divorce decree and a copy of her ex-husband’s death certificate has been provided by the applicant. MOTION by Beninga, seconded by Kelly, to approve resolution MC16-64. 5 ayes.

RESOLUTION MC16-64

WHEREAS, a County Aid Lien in the amount of \$2,250.00, purports to exist in favor of Minnehaha County and against DPNO 21743 as Lienee, and

WHEREAS, said lienee has filed an application with the County Auditor stating such facts as provided for by Law,

NOW, THEREFORE, BE IT RESOLVED that after due consideration of the circumstances the Board of County Commissioners finds it advisable and proper to authorize the Chairman of the County Board and the County Auditor to execute the following:

Compromise and release the lien from the applicant leaving the lien in full only in the name of the applicant’s ex-husband, with no payment.

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Dated at Sioux Falls, South Dakota, this 22<sup>nd</sup> day of November, 2016.

APPROVED BY THE COMMISSION:

Cindy Heiberger  
Chairman

ATTEST:  
Olivia Larson  
Deputy County Auditor

MOTION by Barth, seconded by Bender, to approve Resolution MC16-65. 5 ayes.

RESOLUTION MC16-65

WHEREAS, a County Aid Lien in the amount of \$582.00, purports to exist in favor of Minnehaha County and against DPNO 47048 as Lienee, and

WHEREAS, said lienee has filed an application with the County Auditor stating such facts as provided for by Law,

NOW, THEREFORE, BE IT RESOLVED that after due consideration of the circumstances the Board of County Commissioners finds it advisable and proper to authorize the Chairman of the County Board and the County Auditor to execute the following:

Remove File/Rcpt #204026 dated 20020130 in the amount of \$274.70 from DPNO 47048 and place that portion of the lien on DPNO 21743 in the name of the applicant's ex-husband only, leaving DPNO 47048 in the amount of \$308.20 in the name of the applicant, with no payment.

Dated at Sioux Falls, South Dakota, this 22<sup>nd</sup> day of November, 2016.

APPROVED BY THE COMMISSION:

Cindy Heiberger  
Chairman

ATTEST:  
Olivia Larson  
Deputy County Auditor

CERTIFICATES OF PARTICIPATION RESOLUTION

Carol Muller, Commission Administrative Officer, requested authorization for the Chair to sign the resolution relating to issuing certificates of participation for the replacement of the Community Correction Center and jail intake with a new facility. The resolution is for \$46,000,000 to finance the construction and equipping of an expanded jail including replacement of the existing community corrections center, jail intake area and related parking. The term of the certificates will not exceed 21 years. Along with the resolution, a Municipal Advisor agreement is needed to define the terms under which Dougherty and Company will act as the municipal advisor to Minnehaha County with respect to the issuance of the Certificates of Participation. Dougherty and Company will be paid by Minnehaha County a fixed fee of \$22,000 plus \$0.45/\$1,000 of par value and \$3,000 for Official Statement preparation payable at bond closing. MOTION by Kelly, seconded by Bender, to authorize the Chair to sign Resolution MC16-66. 5 ayes.

RESOLUTION MC 16-66

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RESOLUTION RELATING TO ISSUING CERTIFICATES OF PARTICIPATION;  
AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE-PURCHASE  
AGREEMENT AND APPROVING AND AUTHORIZING EXECUTION OF RELATED  
DOCUMENTS

BE IT RESOLVED by the Board of Commissioners of Minnehaha County, South Dakota (the "County"), as follows:

Section 1. Recitals.

1.01. The County is authorized by South Dakota Codified Laws, Chapter 7-25, inclusive, as amended (the "Act"), to enter into lease-purchase agreements for acquisition of real or personal property that the governing body considers necessary or appropriate to carry out its governmental and proprietary functions. The governing body finds that it is necessary and appropriate to issue Certificates of Participation (Limited Tax General Obligation), Series 2017A in one or more series to finance the construction and equipping of an expanded jail including replacement of the existing community corrections center, jail intake area and related parking (the "2017A Project").

1.02. The County has agreed with U.S. Bank National Association (the "Trustee") that the Trustee has, pursuant to a Ground Lease Agreement, dated as of September 1, 1992, as amended and supplemented between the County and the Trustee (the "Ground Lease"), acquired certain interests in real property (the "Land") from the County, and the Trustee has leased its interest in the Land and has leased and agreed to sell the Facilities to be acquired, renovated, constructed and equipped thereon to the County pursuant to a Lease-Purchase Agreement, dated as of September 1, 1992 (the "Original Lease"), as amended and supplemented by the First Amendment to Lease-Purchase Agreement, dated as of November 1, 1994 (the "First Amendment to Lease"), the Second Amendment to Lease-Purchase Agreement, dated as of April 1, 1997 (the "Second Amendment to Lease"), the Third Amendment to Lease-Purchase Agreement, dated as of April 1, 1999 (the "Third Amendment to Lease"), the Fourth Amendment to Lease-Purchase Agreement, dated as of December 1, 2000 (the "Fourth Amendment to Lease"), the Fifth Amendment to Lease-Purchase Agreement, dated as of September 1, 2004 (the "Fifth Amendment to Lease"), the Sixth Amendment to Lease-Purchase Agreement, dated as of October 1, 2005 (the "Sixth Amendment to Lease"), the Seventh Amendment to Lease-Purchase Agreement, dated as of October 1, 2005 (the "Seventh Amendment to Lease"), the Eighth Amendment to Lease-Purchase Agreement, dated as of October 1, 2006 (the "Eighth Amendment to Lease"), the Ninth Amendment to Lease-Purchase Agreement, dated as of August 1, 2007 (the "Ninth Amendment to Lease"), the Tenth Amendment to Lease-Purchase Agreement, dated as of October 1, 2007 (the "Tenth Amendment to Lease"), the Eleventh Amendment to Lease-Purchase Agreement, dated as of September 1, 2008 (the "Eleventh Amendment to Lease"), the Twelfth Amendment to Lease-Purchase Agreement, dated as of November 1, 2010 (the "Twelfth Amendment to Lease"), the Thirteenth Amendment to Lease-Purchase Agreement, dated as of September 1, 2011 (the "Thirteenth Amendment to Lease"), the Fourteenth Amendment to Lease-Purchase Agreement, dated as of November 1, 2013 (the "Fourteenth Amendment to Lease"), the Fifteenth Amendment to Lease-Purchase Agreement, dated as of November 1, 2014 (the "Fifteenth Amendment to Lease") and the Sixteenth Amendment to Lease-Purchase Agreement, dated as of October 1, 2016 (the "Sixteenth Amendment to Lease") between the Trustee and the County (the Original Lease as amended and supplemented by the First Amendment to Lease, the Second Amendment to Lease, the Third Amendment to Lease, the Fourth Amendment to Lease, the Fifth Amendment to Lease, the Sixth Amendment to Lease, the Seventh Amendment to Lease, the Eighth Amendment to Lease, the Ninth Amendment to Lease, the Tenth Amendment to Lease, the Eleventh Amendment to Lease, the Twelfth Amendment to Lease, the Thirteenth Amendment to Lease, the Fourteenth Amendment to Lease, the Fifteenth Amendment to Lease and the Sixteenth Amendment to Lease are referred to herein as the "Lease").

1.03. The Trustee will execute and deliver a Sixteenth Supplemental Declaration of Trust (the "Sixteenth Supplemental Trust"), which will supplement and amend the Declaration of Trust, dated as of September 1, 1992 (the "Original Trust"), as amended by the First Supplemental Declaration of Trust, dated as of November 1, 1994 (the "First Supplemental Trust"), the Second Supplemental Declaration of Trust, dated as of April 1, 1997 (the "Second Supplemental Trust"), the Third Supplemental Declaration of Trust, dated as of April 1, 1999 (the "Third Supplemental Trust"), the Fourth Supplemental Declaration of Trust, dated as of December 1, 2000 (the "Fourth

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Supplemental Trust”), the Fifth Supplemental Declaration of Trust, dated as of September 1, 2004 (the “Fifth Supplemental Trust”), the Sixth Supplemental Declaration of Trust, dated as of October 1, 2005 (the “Sixth Supplemental Trust”), the Seventh Supplemental Declaration of Trust, dated as of October 1, 2005 (the “Seventh Supplemental Trust”), the Eighth Supplemental Declaration of Trust, dated as of October 1, 2006 (the “Eighth Supplemental Trust”), the Ninth Supplemental Declaration of Trust, dated as of August 1, 2007 (the “Ninth Supplemental Trust”), the Tenth Supplemental Declaration of Trust, dated as of October 1, 2007 (the “Tenth Supplemental Trust”), the Eleventh Supplemental Declaration of Trust, dated as of September 1, 2008 (the Eleventh Supplemental Trust), the Twelfth Supplemental Declaration of Trust, dated as of November 1, 2010 (the “Twelfth Supplemental Trust”), the Thirteenth Supplemental Declaration of Trust, dated as of September 1, 2011 (the Thirteenth Supplemental Trust), the Fourteenth Supplemental Declaration of Trust, dated as of November 1, 2013 (the “Fourteenth Supplemental Trust”), the Fifteenth Supplemental Declaration of Trust, dated as of November 1, 2014 (the “Fifteenth Supplemental Trust”) and the Sixteenth Supplemental Declaration of Trust, dated as of October 1, 2016 (the “Sixteenth Supplemental Trust”) (the Original Trust as amended and supplemented by the First Supplemental Trust, the Second Supplemental Trust, the Third Supplemental Trust, the Fourth Supplemental Trust, the Fifth Supplemental Trust, the Sixth Supplemental Trust, the Seventh Supplemental Trust, the Eighth Supplemental Trust, the Ninth Supplemental Trust, the Tenth Supplemental Trust, the Eleventh Supplemental Trust, the Twelfth Supplemental Trust, the Thirteenth Supplemental Trust, the Fourteenth Supplemental Trust, the Fifteenth Supplemental Trust and the Sixteenth Supplemental Trust are referred to herein as the “Trust Agreement”), pursuant to which the Trustee will (i) issue Certificates of Participation, Series 2017A (the “2017A Certificates”) in the lease payments to be made by the County under the Lease, as amended by the Seventeenth Amendment to Lease-Purchase Agreement (the “Seventeenth Amendment to Lease”) and (ii) receive, hold and invest the proceeds of the sale of the 2017A Certificates and deposit in the Construction Account such proceeds to construct, equip and remodel the 2017A Project.

1.04. The 2017A Certificates will be offered pursuant to an Official Statement (the “Official Statement”). Dougherty & Company LLC will act as the financial advisor (the “Financial Advisor”) to the County and will prepare the Official Statement and assist the County with a public sale of the 2017A Certificates.

1.05. Forms of the following documents relating to the 2017A Project are directed to be prepared by Lindquist & Vennum LLP, as Bond Counsel, and submitted to the County and are hereby directed to be filed with and approved by the County Auditor and the Deputy State’s Attorney: (a) the Seventeenth Amendment to Lease, (b) the Seventeenth Supplemental Trust and (c) the Certificate Purchase Agreement (collectively, the Seventeenth Amendment to Lease, the Seventeenth Supplemental Trust and the Certificate Purchase Agreement are herein referred to as the “Documents”).

Section 2. Authorization and Approval of the Documents. The financing described above is found to be favorable and is hereby approved. The Chairman and County Auditor are authorized to approve the principal amount of the Seventeenth Amendment to Lease, the 2017A Certificates, not exceeding \$46,000,000, the term thereof not exceeding twenty-one (21) years and the interest rate or rates thereon not exceeding an average bond yield of 4.5% per annum at which the 2017A Certificates are to be sold at a public sale. The forms of Documents to be prepared are hereby approved if the County Auditor deems them appropriate and the Documents are approved by the Deputy State’s Attorney. The Chairman and the County Auditor are directed to execute the Documents if approved by the County Auditor. Copies of all Documents shall be delivered, filed and recorded as provided therein. The Chairman and the County Auditor and the Deputy State’s Attorney are also authorized and directed to execute such other instruments as may be required to give effect to the transactions therein contemplated. The County will cooperate in the issuance of the 2017A Certificates and the Chairman, the County Auditor and the Deputy State’s Attorney shall execute such other instruments as are necessary to the issuance of the 2017A Certificates.

Section 3. Modification. Absence of Officers. The approval hereby given to the Documents includes an approval of such additional details therein as may be necessary and appropriate and such modifications thereto, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the Deputy State’s Attorney prior to the execution of the Documents. The execution of any instrument by the appropriate officer or officers of the County herein authorized shall be conclusive evidence of the approval of such documents in accordance with the terms hereof. In the absence of the Chairman or the County Auditor, any of the Documents

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authorized by this resolution to be executed may be executed by such officer as, in the opinion of the Deputy State's Attorney, may execute documents in their stead.

Section 4. Payment of Lease Payments. The County will pay to the Trustee promptly when due, all of the Lease Payments (as defined in the Lease) and other amounts required by the Lease. To provide moneys to make such payments, the County will include in its annual budget, for each fiscal year during the term of the Lease, moneys sufficient to pay and for the purpose of paying all Lease Payments and other amounts payable under the Lease, and will take all other actions necessary to provide moneys for the payment of the obligations of the County under the Lease from sources of the County lawfully available for this purpose, including the levy of such taxes as may be necessary therefor, including levies under South Dakota Codified Laws Section 10-13-35, subject only to the limitations on such levies imposed by South Dakota law.

The County agrees and covenants to include in its annual budget for each fiscal year during the term of the Lease moneys sufficient to pay and for the purpose of paying the Lease Payments pursuant to the Sixteenth Amendment to Lease, and to levy a tax pursuant to South Dakota Codified Laws Section 7-25-1, and in conformity with the South Dakota Codified Laws Section 10-13-35 and South Dakota Constitution Article XIII Section 5, in an amount which will generate an amount sufficient and for the purpose of paying the Lease Payments pursuant to the Sixteenth Amendment to Lease, to the extent permitted by law and to take all other actions necessary to provide moneys for the payment of the Lease Payments pursuant to the Sixteenth Amendment to Lease from sources of the County lawfully available for such purpose.

Section 5. Tax Matters. The County covenants and agrees with the Trustee and the registered owners from time to time of the 2017A Certificates that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the 2017A Certificates to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "Code"), and applicable Treasury Regulations (the "Regulations"), and covenants to take any and all actions within its powers to ensure that the interest on the 2017A Certificates will not become subject to taxation under the Code and the Regulations. The County will cause to be filed with the Secretary of the Treasury an information reporting statement in the form and at the time prescribed by the Code. The County will comply with the provisions of Section. 148(f) of the Code, relating to the rebate of arbitrage profits to the United States, if and to the extent that such provisions are applicable to the Lease and the 2017A Certificates.

Section 6. Arbitrage Certification. The Chairman and the County Auditor, being the officers of the County charged with the responsibility for issuing the 2017A Certificates pursuant to this Resolution, are authorized and directed to execute and deliver to the Trustee a certificate in accordance with the provisions of Section 148 of the Code and Sections 1.148-1 et al of the Regulations, stating the facts, estimates and circumstances in existence on the date of issue and delivery of the 2017A Certificates which make it reasonable to expect that the proceeds of the 2017A Certificates will not be used in a manner that would cause the Lease or the 2017A Certificates to be arbitrage bonds within the meaning of the Code and Regulations.

Section 7. Official Statement. The County will participate in the preparation of the Preliminary Official Statement and the final Official Statement relating to the 2017A Certificates and hereby authorizes the County Auditor to consent to the distribution of the Official Statement by the purchaser of the 2017A Certificates in connection with the sale of the 2017A Certificates. The Preliminary Official Statement, except for Permitted Omissions, will be deemed final by the County when authorized by the County Auditor as of its date within the meaning of Rule 15c2-12 of the Securities and Exchange Commission under the Securities Exchange Act of 1934. As used herein, "Permitted Omissions" shall mean the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, rating, if any, and other terms of the 2017A Certificates depending on such matters.

Section 8. Amendment. This resolution may be amended from time to time, prior to the issuance of the 2017A Certificates, by an administrative resolution adopted by this Board.

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Section 9. Date Resolution Becomes Effective. This resolution shall become effective twenty days after publication in accordance with South Dakota Codified Laws Section 7-18A-8.

Adopted this 22nd day of November, 2016.

Cindy Heiberger  
By: Its Chairman

ATTEST:  
Robert Litz  
By: Its County Auditor

Commissioners Barth and Bender stated they were ending their conference call and left the meeting.

MOTION by Kelly, seconded by Beninga, to authorize the Chair to sign the Municipal Advisor Agreement with Dougherty and Company. 3 ayes. Sheriff Mike Milstead thanked the Commission for their support of this project. Bob Litz, Auditor, noted the bond package will be going to public sale.

#### AMENDMENT

Carol Muller, Commission Administrative Officer, requested authorization for the Chair to sign the Letter of Agreement between American Federation of State, County, and Municipal Employees Council 65, Local 2561 Highway and Minnehaha County. The letter is an amendment to the current Highway Union Contract. The amendment will allow the early start time to change from 5:00 a.m. to 4:00 a.m. when needed for inclement weather. MOTION by Beninga, seconded by Kelly, to authorize the Chair to sign the Letter of Agreement with American Federation of State, County, and Municipal Employees Council 65, Local 2561 Highway to allow for the early start time of 4:00 a.m. when needed for inclement weather to take effect on November 17, 2016. 3 ayes.

#### VEHICLE PURCHASE

DJ Buthe, Highway Superintendent, requested approval for the purchase of a Weed Spray Truck. The existing truck was set to be replaced in 2018. Due to transmission issues with the truck, the Highway Department would like to utilize savings from construction projects to purchase a new truck this year. Quotes were solicited for replacement of the vehicle chassis and associated equipment. Based on these quotes, the cost of the replacement would be \$41,903.60. MOTION by Kelly, seconded by Beninga, to approve the purchase of an Isuzu HD Box Truck with cab-over chassis (gas) from I-State Truck Center of Sioux Falls at \$33,350, an Aluminum Flatbed from Vander Haag's Inc. of Sioux Falls at \$7,183, and a 1,000 gallon tank from Benco Products Inc. of Sioux Falls at \$1,370.60 with a total cost of \$41,903.60. 3 ayes.

#### EQUIPMENT PURCHASE

DJ Buthe, Highway Superintendent, requested approval for the purchase of snowplow equipment off of Minnesota State Contract Release S-863(5), Contract 100779 from J-Craft by TBEI, at a total cost of \$48,118. The equipment will be used for the new 2017 Mack GU713 trucks approved by the Commission in August 2016. MOTION by Beninga, seconded by Kelly, to approve the purchase of two Henke 12 foot reversible snowplows, two Henke plow hitch truck portions, two Henke 10' postless patrol wing front lift, two Henke 10' fixed ice scraper dual lift, and freight from Henke direct off of Minnesota State Contract Release S-863(5), Contract 100779 from J-Craft by TBEI Truck Bodies & Equipment International, Inc. at a total cost of \$48,118. 3 ayes.

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## AGREEMENTS

DJ Buthe, Highway Superintendent, requested authorization for the Chair to sign the South Dakota Department of Transportation (SDDOT) Contract Proposal for snow plowing and chemical application of a portion of South Dakota State Highway 100 (Veterans Parkway). This portion of the highway is approximately one mile of four-lane concrete roadway ranging from Madison Street to Maple Street for which the SDDOT does not have an active plow route. Minnehaha County has a route ending at the beginning of this section. Services will be billed by Minnehaha County to the SDDOT at a rate of \$125 per hour for snow plowing, \$70 per ton for road salt, and \$65 per ton for road salt/sand mixture at a total estimated cost of \$41,750. MOTION by Kelly, seconded by Beninga, to authorize the Chair to sign the South Dakota Department of Transportation Contract Proposal for snow plowing and chemical application on South Dakota State Highway 100 beginning upon final signature of the contract and ending on June 2, 2017. 3 ayes.

DJ Buthe, Highway Superintendent, requested authorization for the Chair to sign a professional services agreement with Banner Associates for design engineering of maintenance projects on seven (7) structures throughout the County at a cost not to exceed \$18,700. The scope of work by Banner Associates would include site surveys, design, plan preparation, and bidding assistance services. The 2016 bridge inspections and reports, performed by Banner Associates, found deficiencies in these seven structures. To ensure safety and upgrade the sufficiency rating, maintenance will be needed to replace the existing deficient railing systems. MOTION by Kelly, seconded by Beninga, to authorize the Chair to sign the Professional Services Agreement with Banner Associates for design engineering of seven structures in Minnehaha County at a cost not to exceed \$18,700 effective November 22, 2016 through June 1, 2017. 3 ayes.

## EQUIPMENT PURCHASE

DJ Buthe, Highway Superintendent, requested approval for the purchase of one 2017 Etynyre Oil Distributer off of Minnesota State Contract Release P-961(5), Contract 116252 from Swanston Equipment, at a cost of \$195,657. Sheehan Mack Sales & Equipment will facilitate the purchase and service the oil distributor after the purchase. The purchase and delivery of the equipment will take up to six months and will not be billed until the equipment has been delivered in 2017. This purchase is part of the Minnehaha County 2017 Budget. MOTION by Beninga, seconded by Kelly, to approve the purchase of one 2017 Etynyre Oil Distributer from Swanston Equipment off of Minnesota State Contract Release P-961(5), Contract 116252 at a total cost of \$195,657. 3 ayes.

## SURPLUS PROPERTY

Bob Litz, Auditor, gave a briefing on the 2016 Surplus Property Auction Report. After deducting the auctioneer's fee of \$1,389.57, the net proceeds of the sale are \$21,847.43. MOTION by Beninga, seconded by Kelly, to allocate \$9,641.75 to ASN 13983 in the Highway Fund, and \$12,205.68 to ASN 13740 in the General Fund. 3 ayes.

## AGREEMENT

Robert Wilson, Assistant Commission Administrative Officer, presented an agreement between Minnehaha County and Fitch & Associates for the County Emergency Management System Review in the amount of \$39,200. This amount includes travel, printing, postage, and other professional fees associated with the review. The fees will be paid incrementally as project milestones are completed. MOTION by Beninga, seconded by Kelly, to authorize the Chair to sign the County Emergency Management System Review agreement with Fitch & Associates in the amount of \$39,200 beginning in December 2016 and to last for approximately 5 months. 3 ayes.

## APPEAL

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Scott Anderson, Planning Director, gave a briefing on the appeal of the County Planning Commission's decision to deny Conditional Use Permit #16-71 to allow for continued sand and gravel mining by Great Bear Sand & Gravel on property located in Section 31 of Benton Township legally described as E1/2, E1/2, SW1/4 and NW1/4, Section 31, T102N-R50W. Jay Wright, representing Great Bear Sand and Gravel filed the appeal. The original CUP #06-82 was approved in 2006 with nineteen (19) conditions. Due to complaints from neighboring land/home owners, complaints from Hartford Township, and County staff time to ensure compliance, the Planning Commission voted 5-0 to deny the new conditional use permit. Dust, noise, traffic, and poor road conditions were the primary complaints. Great Bear Sand & Gravel has met with Mr. Anderson and Hartford Township to discuss issues and concerns. A list of remedies were submitted by Great Bear Sand & Gravel to the County Commission showing their desire to alleviate the concerns and issues brought forward. Twenty (20) letters of support for the approval of CUP #16-71 were also provided. Mr. Anderson stated he feels they have addressed all the concerns brought forth. Harold Goeden, 3501 S. River Bluff Rd, owner of Great Bear Sand & Gravel was present and asked Commissioners for approval of CUP #16-71. Commissioner Kelly stated he would support an extension of the current CUP with the intent of sending this issue back to the Planning Commission. Commissioner Heiberger noted an extension could delay Great Bear Sand & Gravel's bidding process for the next year depending on the length and conditions of the extension. Carl Carlson, owner of Cemcast Pipe & Precast whose property is adjacent to the pit property, spoke in favor of approval of CUP #16-71 and stated Great Bear Sand & Gravel were good neighbors. Gary Meyer, 26154 466<sup>th</sup> Ave., spoke on concerns over the maintenance and traffic on 466<sup>th</sup> Ave. Celia Benson, 26132 S. Robin Dr., spoke in opposition to the approval of CUP #16-71 citing her concerns about reclamation and provided the Commissioners with a power point presentation regarding her concerns. Mr. Anderson stated reclamation under the current CUP would start in 2017 with the Planning Department having the ability to check on the progress throughout 2017. Mr. Goeden reported they have met with the township regarding issues with the road, they will lease trucks with tarps as they do not own any trucks, and noted their reclamation process. Rhonda Erickson, 26147 466<sup>th</sup> Ave., spoke on safety concerns with traffic on 466<sup>th</sup> Ave. and Hwy 38. Mr. Anderson stated the South Dakota Department of Transportation (SD DOT) has looked at this intersection in the past. Commissioner Heiberger asked that the SD DOT be asked to take a look at this intersection again. Commissioner Kelly said he would like to send this back to the Planning Commission and have them review the new information and reconsider their decision. Commissioner Beninga stated he would be in favor of extending the permit for one year so Great Bear Sand & Gravel can continue to do business and send it back to the Planning Commission. Commissioner Heiberger stated Great Bear Sand & Gravel has addressed all the concerns and feels they should move forward with approval of the CUP. Mr. Anderson stated one option the Commission could take is to remand this back to the Planning Commission to their January 2017 meeting. This would likely result in another appeal and come back to the Commission. Commissioner Beninga inquired when the bidding process would start for Great Bear Sand & Gravel to determine how an extension versus just sending the issue back to the Planning Commission would affect Great Bear Sand & Gravel. Mr. Goeden stated the bidding process will start sometime in January. MOTION by Kelly, seconded by Beninga, to refer back to the Planning Commission January 2017 meeting and allow a one year extension to the current conditions on CUP #06-82, with a new end date of December 31, 2017, for the permit; and reclamation taking place in 2018 to be completed by December 31, 2018. 3 ayes.

#### LIAISON REPORTS

Commissioner Kelly stated the Library Board will not be bringing forward a recommendation for Library Director and they may be posting the position again.

Commissioner Heiberger reported she provided the Commission information on an opioid study for their review.

MOTION by Kelly, seconded by Beninga, to adjourn. 3 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday November 29, 2016.

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APPROVED BY THE COMMISSION:

Cindy Heiberger

Chair

ATTEST:

Olivia Larson

Deputy Auditor